IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 207 of 2004

HEERALAL
V/S
SUNDERLAL

Mr. KC SAMDARIYA, for the appellant / petitioner

Date of Order : 14.2.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant at considerable length.

Learned counsel took me through the entire record of the learned trial Court as if I was required to decide the appeal as a trial Court by reappreciating the entire evidence on the aspects of reliability of evidence of the plaintiff, or that of the D.W.2, or the standard of evidence required to prove the factum of delivery of car to the defendant, and the amount of expenditure incurred in repair. However, having gone through the findings of the learned Lower Appellate Court, I find that the findings recorded by the learned Courts below are pure findings of facts, and despite repeatedly, and being pointedly asked, learned counsel has not been able to satisfy, as to how those findings are vitiated within the scope of scrutiny available to this Court under Section 100 CPC.

The appeal is, therefore, dismissed summarily.

(N P GUPTA),J.

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